

REMARKS/ARGUMENTS

The office action of August 24, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-25 are pending in this application. Claims 1, 2, 4, 7, 9-11, 14, 15, and 16-24 have been amended and new claim 25 added. As noted by the Examiner, claims 17-25 were renumbered as claims 16-24. It is noted that 25 claims were paid for and thus no extra fee is needed.

Support for the amendments to the independent claims can be found in the specification at the last line of page 20 to line 5 on page 21. No new matter is introduced by the amendment.

Claims 1 and 2 stand objected to for informalities. In claim 1, "waveforms" has been corrected to "wavelengths" as suggested and "thereon" to "therefrom" as suggested. The term "blood constituents" is correct as written. Claim 2 has been amended to no longer recite "bloods." It is noted that the claimed invention does not obtain blood samples as it is a non-invasive procedure. Withdrawal of this objection is requested.

Claims 4-8 and 10-18 stand rejected under 35 USC 112, second paragraph. The antecedent basis issues have been resolved in the amended claims. Withdrawal of this rejection is requested.

Claims 1-24 stand rejected under 35 USC 102(b) over Mendelson.

In accordance with at least one embodiment of the present invention, light transmitted through or reflected *from a living body* whose blood constituents, such as glucose concentration, are not known is detected and converted into an electric signal. A spectrum of the light transmitted through the living body or reflected therefrom at different times is analyzed using the converted electric signal. A spectrum subtraction from the spectrum of the light at the different times is then generated.

A plurality of sample spectrum subtractions is also obtained non-invasively from a living body whose blood constituents are known. The spectrum subtraction obtained from the living body whose blood constituents are not known is compared with the plurality of the sample spectrum subtractions obtained from the living body whose blood constituents are known. This allows prediction of the blood constituents obtained from the living body whose blood constituents are not known.

Mendelson discloses a device including a light source for irradiating light containing plural wavelengths (column 4, lines 11-13), light detectors for detecting light transmitted through the living body (column 4, line 41), and a computer (column 4, lines 61-62) that serves as a spectrum analyzer (column 4, lines 61-62), a spectrum subtraction generator (column 4, lines 45-50), and a blood constituent predictor that outputs the concentration of the blood constituents (column 4, lines 63-64).

Although Mendelson discloses obtaining spectrum subtraction from a living body whose blood constituents are not known, Mendelson does not disclose comparing the spectrum subtraction obtained from a living body whose blood constituents are not known with a plurality of sample spectrum subtractions obtained from a living body whose blood constituents are known. Further, Mendelson does not disclose predicting the concentration of the unknown blood constituents based on this comparison of the unknown with the known.

In accordance with the present claims, the plurality of sample spectrum subtractions are also obtained non-invasively from a living body whose blood constituents are known. For example, the same light device may be used for obtaining the spectrum subtraction from the living body whose blood constituents are not known.

Sample spectrum subtraction data obtained from a living body is different from spectrum subtraction data obtained by irradiating a light to a whole blood samples (an invasive procedure) and filled in plural quartz photo-cells. Such constituents taken from whole blood sometimes show very different spectrum from that obtained non-invasively from the living body making it is difficult to accurately predict the constituent of the unknown blood by using such whole blood samples.

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Mendelson does not teach or suggest how to generate the sample spectrum subtraction data non-invasively as claimed or predict the unknown blood constituents using such samples. Withdrawal of this rejection is requested.

CONCLUSION

In view of the above amendments and remarks, withdrawal of the rejections and issuance of a Notice of Allowance is requested.

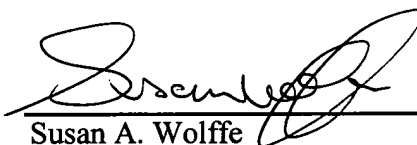
No fee is believed to be due to enter the requested amendments. However, if a fee is required, please charge said fee to our Deposit Account No. 19-0733.

Respectfully submitted,

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By:



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